

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RAVONDA C. BROWN)
v.) No. 3-12-1029
NEOPOST USA, INC.)

CASE MANAGEMENT ORDER # 2

By contemporaneously entered order, the Court has approved and entered the parties' proposed joint case management order, with modifications addressed at the initial case management conference held on November 26, 2012. Those modifications and other matters addressed on November 26, 2012, are as follows:

1. Plaintiff's counsel clarified that the plaintiff is not asserting a claim related to the failure to select her as General Manager of the Atlanta office since that claim is time-barred.
2. The parties do not anticipate any significant discovery of electronically stored information. Therefore, they are exempted from the provisions of Administrative Order No. 174, entitled "Default Standard for Discovery of Electronically Stored Information ('E-Discovery')," entered July 9, 2007.
3. Counsel for the parties shall convene a telephone conference call with the Court on **Thursday, January 3, 2013, at 10:00 a.m.**, to be initiated by defendant's counsel, to address the status of any settlement discussions, the potential for an early settlement, propriety of ADR, whether the parties have reached an agreement about whether the trial should be a jury or bench trial, and any other appropriate matters.
4. All expert disclosures shall comply with Rule 26(a)(2)(B)-(C) of the Federal Rules of Civil Procedure.
5. Any rebuttal expert disclosures shall be served by May 31, 2013.
6. Any discovery motion shall be filed by July 8, 2013.

7. As provided in the contemporaneously entered order, any dispositive motion shall be filed by August 6, 2013. Any response shall be filed within 21 days of the filing of the motion or by August 27, 2013, if the motion is filed on August 6, 2013. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by September 10, 2013, if the response is filed on August 27, 2013.

No other filings in support of or in opposition to any dispositive motion shall be made after September 10, 2013, except with the express permission of the Honorable Todd J. Campbell.

No party shall file more than one Rule 12 motion to dismiss or more than one Rule 56 motion for summary judgment.

There shall be no stay of discovery before the June 28, 2013, deadline for completion of fact discovery or the July 15, 2013, deadline for completion of expert discovery even if a dispositive motion is filed prior thereto.

Based on the above scheduling, the parties request that the trial be scheduled to begin on December 10, 2013, or January 7, 2014, or thereafter. The parties estimate that the trial will last two (2) days.

Although the plaintiff has demanded a jury trial, defendant's counsel indicated that there is an issue about whether the plaintiff is entitled to a jury trial as a result of a jury trial waiver provision in the plaintiff's employment contract. Counsel will confer about this issue and attempt to reach an agreement. However, at this point, it appears appropriate to schedule the trial as a jury trial.

It is so ORDERED.



JULIET GRIFFIN
United States Magistrate Judge